REMARKS

By this Amendment, Applicant amends claims 1 and 10, cancels claim 11, and adds claims 14 and 15. No new matter is added. Accordingly, claims 1-15 are all the claims pending in the application. Reconsideration and allowance of claims 1-15 are respectfully requested in view of the following remarks.

I.   **Claim Objections**

Claim 11 is objected to because of a minor informality. Applicant respectfully submits that the objection to claim 11 is moot in view of its cancellation.

II.   **Summary of the Office Action**

Claims 1-3 and 5-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,261,043 to Wolber et al. (hereinafter "Wolber") and WO 99/66651 to Elsbree (hereinafter "Elsbree") and further in view of U.S. Patent No. 5,784,633 to Petty (hereinafter "Petty"). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolber, Elsbree and Petty and further in view of U.S. Patent Application No. 2002/0156969 to Tadokoro et al. (hereinafter "Tadokoro").

III.   **Prior Art Rejections**

Independent claims 1 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolber in view of Elsbree and Petty. Applicant respectfully traverses this rejection because the references fail to teach or suggest all of the elements as set forth and arranged in the claims.

Applicant has incorporated features of claim 11 into claims 1 and 10 and respectfully submits that Wolber in view of Elsbree and Petty does not disclose or suggest at least the

limitation "wherein the data types define various types of data <u>present in the industrial process</u> <u>installation</u>, and wherein the transmitted data is categorized into one of the data types," as recited, *inter alia,* in claims 1 and 10.

The Examiner contends that Wolber teaches this feature of previously presented claim 11, because in Wolber, data is converted to and categorized into an accepted data type, such as "Int," "Real," "Text," etc. *See* page 9 of the Office Action.

First, with regard to Wolber, Applicant respectfully submits that data types, such as Integer, Real and Text are clearly different from data types "selected from the group consisting of <u>process data, status data, control data and regulating data</u>," as required in claims 1 and 10.

Second, Petty teaches "[t]wo types of data (control and status) as well as the user data," *See* col. 2, lines 8-9. These alleged types of data in Petty are "passed to the [data circuit-terminating equipment] DCE [from the data terminal equipment (DTE)]." *See, e.g.,* col. 8, lines 16-19. In other words, these alleged types of data in Petty are used for an <u>internal data</u> <u>communication between a personal computer and a modem</u>, for example. *See* col. 5, line 62 to col. 6, line 5 and FIG. 2.

However, even assuming, *arguendo,* that the data types in Petty might correspond to the general data types of control data and status data, Applicant respectfully submits that defining data types present in a <u>personal computer environment</u> (as Petty might teach) is clearly different from defining "various types of data present in the <u>industrial process installation</u> . . . wherein the transmitted data is categorized into one of the data types," as recited, *inter alia,* in claims 1 and 10.

That is, a person of ordinary skill in the art would have known that defining data types "involves setting constraints on the datum, such as <u>what values it can take</u> and <u>what operations may be performed</u> upon it." *See, e.g.*, extract from Wikipedia "Data type", page 1 of 3 (copy enclosed). Since industrial process installations are much more complex than personal computers connected to a modem, such a person would have known that values of a datum transmitted in an industrial process installation, and the operations performed on such a datum, are clearly different from, and cannot simply be equated with, values and operations performed on a datum transmitted between a personal computer and a modem in a personal computer environment.

Wolber and Elsbree do not cure the deficient disclosure of Petty. As a result, Wolber in view of Elsbree and Petty does not disclose or suggest all of the elements as set forth and arranged in independent claims 1 and 10. Therefore, Applicant respectfully requests that the rejection of claims 1 and 10 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 2-9 and 12-13 depend from claim 1. Tadokoro does not remedy the deficiencies of Wolber in view of Elsbree and Petty. Thus, claims 2-9 and 12-13 are patentable at least by virtue of their dependencies.

IV.   New Claims

In order to provide more varied protection, Applicant adds claims 14 and 15. Support for the amendments is found, *e.g.,* at page 4 of the specification as filed. Claims 14 and 15 are believed to be allowable, because they recite an industrial process installation which comprises

interconnected machine tools with individual converter-fed engines. The prior art of record does not disclose or suggest this unique feature of claims 14 and 15.
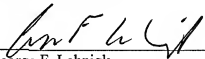
In addition, claims 14 and 15 are patentable at least by virtue of their dependencies.

V.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

George F. Lehnigk
Registration No. 36,359

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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